

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Steven Shawn Smith,

Plaintiff,

v.

Head Classification Shadaya Jackson, and
Associate Warden Mr. Ramos,

Defendants.

C/A No. 9:20-cv-2834-JFA-MHC

ORDER

Plaintiff, Steven Smith, a self-represented prisoner, brings this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for pretrial proceedings.

After receiving Plaintiff's motion for summary judgment (ECF No. 51), the Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation ("Report"). (ECF No. 53). Within the Report, the Magistrate Judge opines that the case should be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). Additionally, the Report recommends that Plaintiff's request for costs be denied. The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

The parties were advised of their right to object to the Report, which was entered on the docket on April 30, 2021. *Id.* The Magistrate Judge required objections to be filed by May 14, 2021. *Id.* No party filed objections. Thus, this matter is ripe for review.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976).

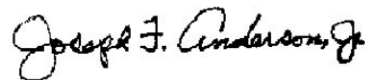
A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate's Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, each party has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report indicates that the Magistrate Judge correctly concluded that the Plaintiff's motion should be construed as a request for voluntary dismissal and subsequently granted.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 53). Consequently, this matter is dismissed without prejudice pursuant to Rule 41(a)(2). Further, Plaintiff's request for costs are denied.

IT IS SO ORDERED.

May 24, 2021
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge